

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RANDY MCCLAIN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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CASE NO. 1:13CV00051

JUDGE BENITA Y. PEARSON

ORDER

In the above-captioned case, an Administrative Law Judge (“ALJ”) denied Plaintiff Randy McClain’s applications for disability insurance benefits and supplemental social security income after a hearing. That decision became the final determination of Defendant Commissioner of Social Security Administration when the Appeals Council denied Plaintiff’s request to review the ALJ’s decision. Plaintiff subsequently sought judicial review of the administrative decision, and this Court referred the case to Magistrate Judge James R. Knepp II for preparation of a Report and Recommendation pursuant to [28 U.S.C. § 636](#). At the briefing stage, Plaintiff, rather than filing a brief regarding the merits of the ALJ’s decision, filed a motion under sentence six of [42 U.S.C. § 405\(g\)](#) on the ground that ““there is new evidence which is material and that there is good cause for the failure to incorporate such evidence into the record in a prior proceeding[.]”” ECF No. [15](#) at 1. The magistrate judge, after reviewing the briefs submitted by the parties, the record, and the applicable law, recommended that Plaintiff’s

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motion to remand be denied because “Plaintiff has not shown that the evidence presented is new and material and that he had good cause for failing to present the evidence to the ALJ.” ECF No. [19](#) at 11. The magistrate judge further recommended that Defendant’s decision be affirmed because Plaintiff did not otherwise object to the ALJ’s decision. ECF No. [19](#) at 11.

[28 U.S.C. § 636](#) provides that a party may serve and file specific written objections within fourteen days after being served with the recommendation of the magistrate judge. Failure to object within this time waives a party’s right to appeal the district court’s judgment. [Thomas v. Arn, 474 U.S. 140, 145, 106 S. Ct. 466, 88 L. Ed. 2d \(1986\)](#). Moreover, 28 U.S.C. § 636 does not require a district judge to review a magistrate judge’s report to which no objections are filed. *Id.* at 149.

The Report and Recommendation was issued and filed on January 22, 2014. ECF No. [19](#). Plaintiff not filed objections, which were due on February 5, 2014. Moreover, the Court finds that the Report and Recommendation is supported by the record, and agrees with the magistrate judge’s recommendation.

Accordingly, the Court adopts the Report and Recommendation, denies Plaintiff’s motion to remand, and affirms Defendant’s decision. This matter is hereby dismissed.

IT IS SO ORDERED.

February 7, 2014
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge